

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GURMIT SINGH KAILA,

Defendant.

NO. CR-08-2021-LRS

**ORDER DENYING
MOTION TO RECONSIDER**

Defendant has filed a “Motion To Reconsider Release On Bond Pending Designation To A Federal BOP Facility” (Ct. Rec. 288). Although this motion has been noted for hearing with oral argument on May 14, the court exercises its discretion pursuant to LR 7.1(h)(3) to hear the motion without oral argument and without requiring a response from the Government.

The court will not reconsider its decision to not allow the Defendant to self-report to BOP for service of his term of imprisonment. 18 U.S.C. Section 3143(a) pertains to “Release or detention pending sentence.” Until May 7, Defendant was on release status “pending sentence.” On May 7, sentence was imposed and was no longer “pending.” Defendant is no longer merely facing the prospect of a term of imprisonment. The Order Regarding Sentencing Schedule (Ct. Rec. 260) entered January 6, 2009, specifically states that, “If a sentence of incarceration is imposed the defendant shall be placed in custody at the time of sentencing.” An 11 month term of imprisonment was imposed on him on May 7, and in light of that change of circumstance, and for the other reasons stated on the record at the conclusion of the sentencing hearing, the court determined that Defendant should

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1 immediately be taken into custody. In making that determination, the court did not
2 commit a clear legal or factual error which would require reconsideration. There
3 is no statutory provision which specifically pertains to release or detention
4 following imposition of sentence, and where no appeal is pending.¹ Self-reporting
5 is a matter entrusted to the sound discretion of the court.

6 Defendant's "Motion To Reconsider Release On Bond Pending Designation
7 To A Federal BOP Facility" (Ct. Rec. 288) is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter
9 this order and to provide copies to counsel and to the U.S. Probation Office.

10 **DATED** this 11th day of May, 2009.

11 *s/Lonny R. Suko*

12 _____
13 LONNY R. SUKO
14 United States District Judge

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27 ¹ Compare 18 U.S.C. Section 3143(b) "Release or detention pending appeal
28 by defendant."